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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Multiven, Inc., NO. C 08-05391 JW

Plaintiff,
v.
Cisco Systems, Inc.,
Defendant.

**ORDER DENYING COUNTER-
DEFENDANTS' ADMINISTRATIVE
MOTION TO VACATE OR CONTINUE
SUPPLEMENTAL BRIEFING AND
HEARING ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

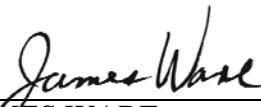
Presently before the Court is Counter-Defendants' Administrative Motion to (1) Vacate or Continue the May 27, 2010 Supplemental Briefing on the Parties' Motions for Partial Summary Judgment, (2) Vacate or Continue the June 7, 2010 Further Hearing on the Parties' Motions for Partial Summary Judgment, and (3) Order Status Conference. (hereafter, "Motion," Docket Item No. 210.)

Counter-Defendants seek to vacate or continue briefing and hearing on the parties' Cross-Motions for Summary Judgment in light of Counter-Defendant Adekeye's recent arrest, which occurred as Counter-Plaintiff was deposing him. (*Id.* at 1.) On May 27, 2010, both parties submitted supplemental briefing based on the deposition of Adekeye as ordered by the Court at the April 13, 2010 hearing on the underlying motions. (See Docket Item Nos. 215, 216.) Since the parties have already submitted their supplemental briefs, the Court DENIES as moot Counter-Defendants' Motion to Vacate or Continue those briefs. Furthermore, the Court finds that Counter-Defendants have had ample time to depose their own party-witness. Thus, the Court finds that

1 Counter-Defendants will not be unfairly prejudiced if the Court considers the Adekeye Deposition in
2 connection with the Cross-Motions for Summary Judgment.

3 Accordingly, the Court DENIES Counter-Defendants' Administrative Motion to Vacate or
4 Continue. On **June 7, 2010 at 9 a.m.**, the parties shall appear for a hearing on this matter as
5 previously ordered.

6
7 Dated: May 28, 2010
8



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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11 **Dated: May 28, 2010**

12 **Richard W. Wieking, Clerk**

13 By: /s/ JW Chambers
14 **Elizabeth Garcia**
15 **Courtroom Deputy**